

## APPENDIX B

### Standard Organization Structure for Regulatory

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Standard Organization Structure for Regulatory

1. The purpose of this appendix is to establish standard organization models for regulatory. The functions of this organization are provided in EC 10-1-55, dated 30 November 1992, copy enclosed (Encl 1).

2. Two optional organization models have been developed. These models are outlined in the enclosed organization charts, labeled Model A (Encl 2) and Model B (Encl 3), and are described in the footnotes. Key positions include Branch Chief, Section Chief, Regulatory Project Manager, and Regulatory Specialist. The need for number and types of other positions, such as Assistant Branch Chief, secretary, systems analyst, clerk, technician, inspector, timekeeper; etc., is to be determined by each district according to local needs and requirements. However, it should be noted that Assistant Chief positions are particularly suited to the Corps Regulatory Program because of the coordination demands of the program with the public, other Federal agencies, and state agencies, and because of the need for consistency of the program.

3. Models A and B have optional features. These features are indicated by the use of the "\*\*\*\*" and are described in the footnotes on the enclosed charts (Encls 2 and 3). These features include:

a. Field offices - All or portions of a geographic and/or an enforcement section may be physically located out of the district office. Field offices are encouraged as they enhance service to the public.

b. Policy analysis section - The functions of this section are related to duties which are identified in the standard Regulatory Project Manager job descriptions (see appendix C) as programmatic initiatives.

c. Administration section - This section is responsible for all of the administrative and support services required for the efficient and effective operation of the regulatory branch. Alternatively, administrative and support responsibilities may be distributed throughout the branch office and sections.

4. Critical to the successful implementation of either model is the delegation of authority. It is essential that we empower our project managers with the authority to provide effective and efficient service to their customers.

Therefore, decision authority is to be delegated to the lowest level allowed by regulation. For example, project managers should be delegated the authority to sign such documents as verifications of authorization under regional general permits and nationwide general permits, as well as non-controversial individual permits and letters of permission. District Engineers are encouraged to retain only minimum signature authority, such as denials of permits with prejudice and certain highly controversial individual permits.

3 Encls

1. EC 10-1-55, 30 Nov 92, Appendix XXVII: Regulatory Program
2. Model A Organization Structure
3. Model B Organization Structure

APPENDIX XXVII  
REGULATORY PROGRAM

Serves as the regulatory program manager and primary advisor to the District Commander regarding regulatory issues within the district.

1. Ensures that the regulatory program is directed toward improving and enhancing the physical, biological and chemical integrity of the nation's water resources and that regulated activities in these waters are in the best interest of the people, considering environmental, social and economic concerns.
2. Accepts Department of the Army permit applications in accordance with 33 CFR, Parts 320-330. Solicits comments from other Federal agencies, state agencies and the general public on permit applications. Reviews and evaluates all comments received from other agencies and the public and makes all decisions regarding the permit application, including whether to issue a permit and which conditions recommended by other agencies to require as permit conditions.
3. Determines need for EISs and public hearings on permit applications. Conducts public hearings and manages preparation of the EIS by the applicant. Reviews and determines adequacy, and adopts EISs prepared by applicants. Reviews and determines adequacy of EIS prepared by other agencies where the EIS covers Corps regulated activities; adopts such EISs or manages preparation of a supplement covering the regulated activities.
4. Verifies whether projects are in compliance with the terms and conditions of nationwide permits issued by HQUSACE.
5. Develops and administers general permits for a category or categories of activities when those activities are similar in nature and cause only minimal individual and cumulative environmental impacts or in order to avoid unnecessary duplication of regulatory control by another Federal, state, or local agency provided the environmental consequences of the action are individually and cumulatively minimal.
6. Determines the geographic extent of jurisdiction for the various regulatory authorities under which the Corps of Engineers has regulatory authority and communicates these limits to the applicant. Counsels potential applicants concerning permitting procedures and requirements.
7. Enforces permit conditions that have been included in all Department of the Army permits. Enforces the various statutory authorities of the Corps Regulatory Program where there are unauthorized activities. Where necessary,

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develops litigation reports for referral of cases to the Department of Justice and testifies in Federal Court as expert witness on enforcement cases.

8. Initiates actions to implement directives from higher headquarters and/or directed towards the effective, efficient and consistent application of the regulatory program.

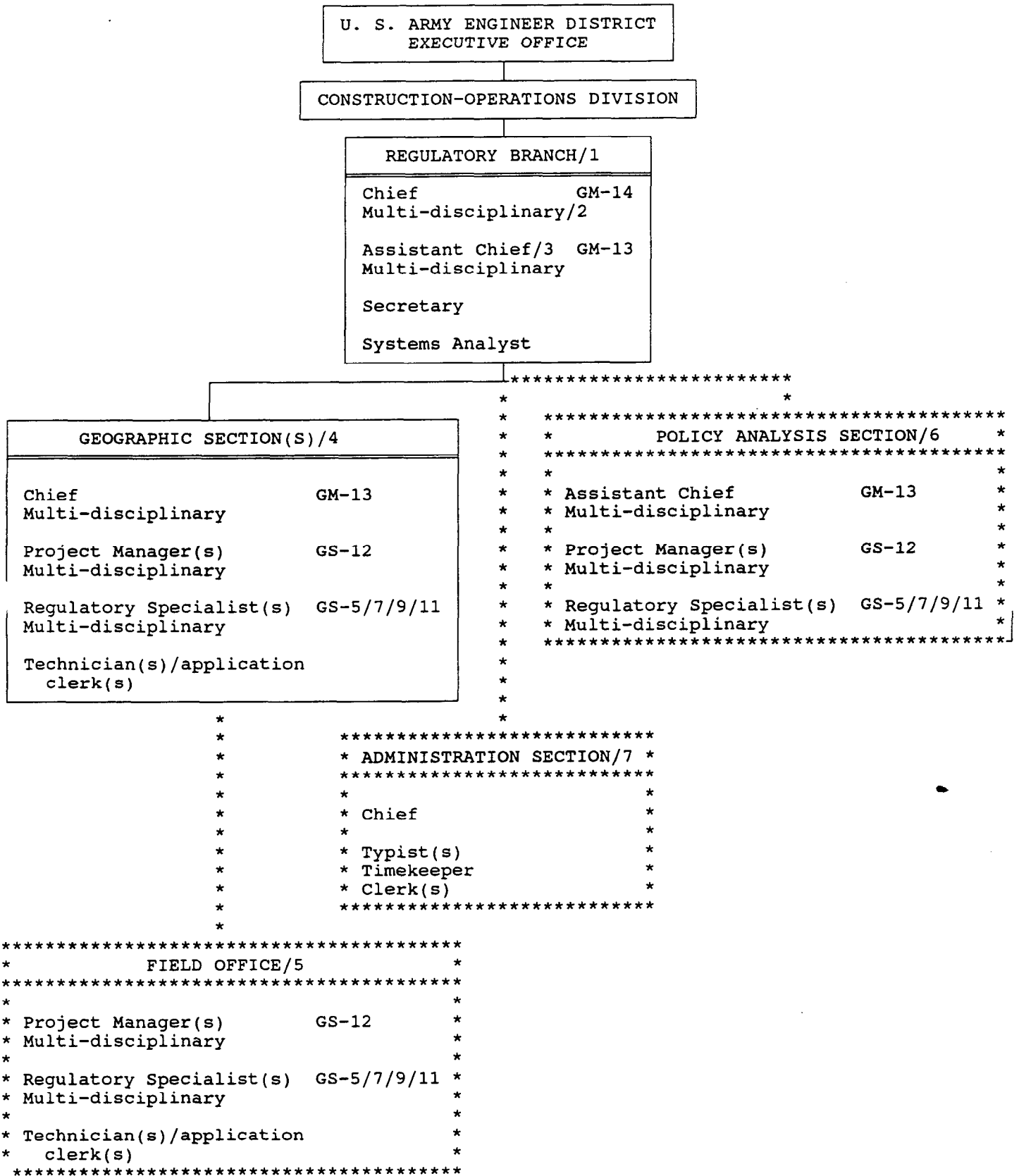
9. Determines the extent of the Nation's navigable waters (i.e., conducts navigability studies).

10. Establishes danger and restricted zones in the navigable waters.

11. Contracts for work which is in excess of that which could be completed with in-house labor.

12. Prepares budgets and controls expenditures for the district's regulatory program.

REGULATORY BRANCH STANDARD ORGANIZATION - MODEL A



REGULATORY BRANCH STANDARD ORGANIZATION  
MODEL A

1/Regulatory Branch is responsible for the functions listed in EC 10-1-55, dated 30 NOV 92.

2/In the context of this chart, multi-disciplinary includes the full range of disciplines which are appropriate for the position.

3/A branch office may include an assistant branch chief, provided the number of personnel in the branch total more than 40. For a branch with less than a total of 40, the assistant chief may be established provided that position has a dual role.

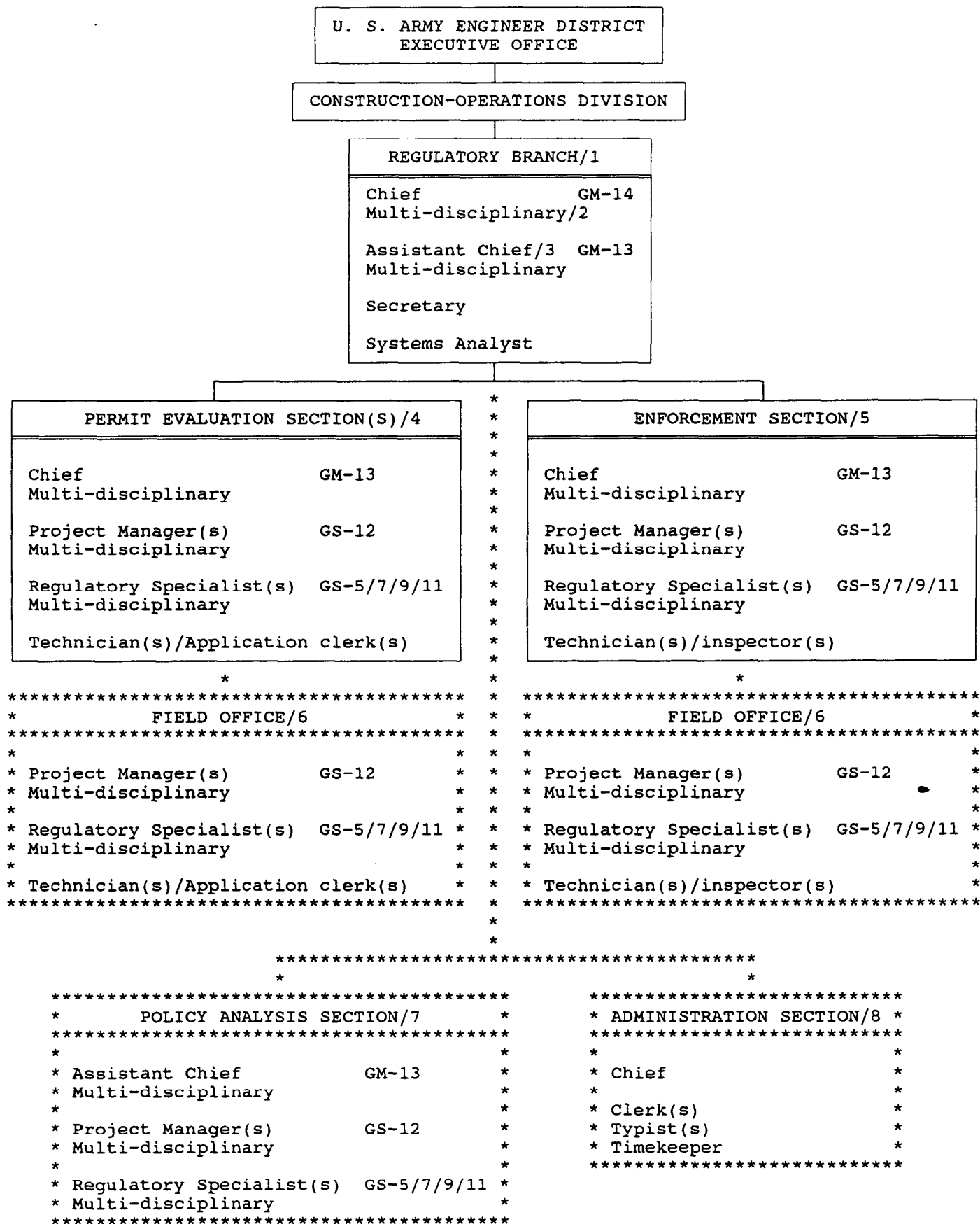
4/A geographic section is fully or partially responsible for the full range of functions described in EC 10-1-55, dated 30 NOV 92. If a policy analysis section is adopted, a geographic section would have full responsibility, within the designated geographic area, for the functions described in items 1, 2, 3, 4, 6, 7, 9, and 10. Partial (i.e., supportive) responsibilities would include the functions described in items 5, 8, 11, and 12.

5/As an option, all or portions of a geographic section may be physically located out of the district office. If a field office has full Geographic Section status, a section chief may be included.

6/The policy analysis section is an optional section. The functions listed in EC 10-1-55 which may be applicable to this section include items 1, 5, 8, 9, 10, 11 and 12. Staffing of this section is by detailed assignments not to exceed time periods established for such assignments. Project Managers and Regulatory Specialists can be expected to continue a minimal workload related to items 2, 3, 4, 6, and 7 of the functions statement. Supervisory authority is through the Assistant Branch Chief. A permanent section chief for the policy analysis section is not appropriate due to the supervision of detailed staff and to avoid conflicts with staff maintaining a portion of their permit evaluation or enforcement workload from the geographic section to which they are permanently assigned.

7/The administration section is an optional section responsible for all of the administrative and support services required for the efficient and effective operation of the branch. The positions listed serve as examples; specific requirements are to be determined by the Branch Chief. Alternatively, administrative and support responsibilities may be distributed throughout the branch office and sections.

# REGULATORY BRANCH STANDARD ORGANIZATION - MODEL B





REGULATORY BRANCH STANDARD ORGANIZATION  
MODEL B

1/Regulatory Branch is responsible for the functions listed in EC 10-1-55, dated 30 NOV 92.

2/In the context of this chart, multi-disciplinary includes the full range of disciplines which are appropriate for the position.

3/A branch office may include an assistant branch chief, provided the number of personnel in the branch total more than 40. In a branch with less than 40, an assistant chief position can be established provided that position has a dual role. The branch office also typically includes a secretary. If the branch includes a systems analyst position, supervisory authority over this position is the branch chief or assistant branch chief.

4/A permit evaluation section is responsible for a particular geographic area. This section is fully or partially responsible for the full range of functions described in EC 10-1-55, dated 30 NOV 92. If a policy analysis section is adopted, a geographic section would have full responsibility, within the designated geographic area, for the functions described in items 1, 2, 3, 4, 6, 9, and 10. Partial (i.e., supportive) responsibilities would include the functions described in items 5, 7, 8, 11, and 12.

5/An enforcement section is fully or partially responsible for a majority of the functions described in EC 10-1-55, dated 30 NOV 92. The section would have full responsibility for the functions described in item 1 and all or most of item 7. Responsibility with respect to the functions described in items 2, 3, 4, and 6 would be related to after-the-fact permit applications. The section would also have partial (i.e., supportive) responsibilities which include the functions described in items 8, 11, and 12.

6/As an option, all or portions of a permit evaluation or enforcement section may be physically located out of the district office. A field office which has full section status may include a section chief.

7/The policy analysis section is an optional section. The functions listed in EC 10-1-55 which may be applicable to this section include items 1, 5, 8, 9, 10, 11 and 12. Staffing of this section is by detailed assignments not to exceed time periods established for such assignments. Project Managers and Regulatory Specialists can be expected to continue a minimal workload related to items 2, 3, 4, 6, and 7 of the functions statement. Supervisory authority is through the Assistant Branch Chief. A permanent section chief for the policy analysis section is not appropriate due to the supervision of detailed staff and to avoid conflicts with staff maintaining a portion of their permit evaluation or enforcement workload from the geographic section to which they are permanently assigned.

8/The administration section is an optional section responsible for all of the administrative and support services required for the efficient and effective operation of the branch. The positions listed serve as examples; specific requirements are to be determined by the Branch Chief. Alternatively, administrative and support responsibilities may be distributed throughout the branch office and sections.